

REMARKS

Upon entry of the present Amendment, claims 1-22 are pending.

Claims 1 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,111,740 ("the '740 patent"). With respect to claim 1, the '740 patent does not disclose an outer member being sealed to a separate inner member having a discharge spout, in combination with the other limitations of claim 1. With respect to claim 10, the '740 patent does not disclose a load-bearing member separate from a housing and spanning between the closed first end of the housing and a lid, in combination with the other limitations of claim 10. Thus, it is respectfully submitted that claims 1 and 10 are not anticipated by the '740 patent.

Claims 1, 2, 10-12, 16 and 19-22 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,990,352 to Newman. For the reasons set forth below, it is respectfully submitted that claims 1, 2, 10-12, 16 and 19-22 are not anticipated by Newman.

Newman does not disclose a load-bearing member spanning between a closed end of the housing and a lid sealing an open end of the housing, as recited in claim 1. Newman also does not disclose a load-bearing member spanning between the closed first end of the housing and the lid, as recited in claim 10. Newman also does not disclose a load-bearing member spanning between the closed end of the outer member and the lid, as recited in claims 19 and 20.

With respect to Newman, the Office action identifies element 256 as being an inner member and element 257 as being a discharge spout. However, neither element is disclosed in Newman as spanning between a closed end of the package 200 and the foil 204. For instance, Figure 19 of Newman shows a portion of an upper end of elements 256 and 257, but does not show the same abutting a closed end of the package 200. Similarly, with respect to the package 10, Newman discloses in Figure 2 that its structure immediately adjacent the outlet 38 is spaced from a closed end of the body portion 110.

Claims 2-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '740 patent in view of U.S. Patent No. 3,336,857 to Knodt. Given the above discussion of the '740 patent with respect to claims 1 and 10, from which claims 2-9 and 11-15 respectively depend, it is respectfully submitted that claims 2-9 and 11-15 are not unpatentable over the '740 patent in view of Knodt. Moreover, Knodt does not disclose a lid sealing an open end of a housing. Instead, Knodt discloses spreader plates 25 and 127 each having openings 28 and 128.

Claims 3-9, 13-15, 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of U.S. Patent No. 4,853,234 to Bentley. Given the above discussion of claims 1 and 10, from which claims 3-9 and 13-15, 17 and 18 respectively depend, it is respectfully submitted that claims 3-9, 13-15, 17 and 18 are not unpatentable over Newman in view of Bentley.

Claim 22 has been rewritten in independent form. It is noted that claim 22 was not specifically rejected in the Office action. Newman does not disclose a lid sealed to a discharge spout. As recited in Newman, "the foil 204 covers the outlet aperture, and is sealed to a surface area 256 surrounding the outlet aperture but not to the rim 257 itself." (Col. 11, ll. 3-5). Thus, it is respectfully submitted that claim 22 is not unpatentable over Newman.

For the reasons set forth above, claims 1-22 are believed to be allowable over the cited references, and reconsideration and allowance of claims 1-22 are respectfully requested.

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The Commissioner is hereby authorized to charge any which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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